

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 7
	:	
RAFAIL THEOKARY,	:	Bankruptcy No. 07-11008DWS
	:	
Debtor.	:	

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**ORDER**

**AND NOW**, this 10th day of February 2009, this Court having released a Memorandum Opinion and Order on December 17, 2008 granting the Debtor's Motion to Reopen Case and providing that the contemplated adversary proceeding, i.e., the grounds for Debtor's Motion to Reopen, be filed by January 7, 2009 or the Clerk would be directed to close the case;

**And** the Court now discovering that while the Memorandum Opinion was entered on the docket and served on the parties, the separate Order was not docketed by the Clerk;

**And** as the Order has not been entered nor the parties served with it,<sup>1</sup> I am not able to close the case even though the adversary proceeding has not been filed to date;

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<sup>1</sup> While the Memorandum Opinion advised Debtor that he would be allowed "a brief window of opportunity to file the requested adversary proceeding," nothing has been filed almost two months later. However, as only the Order contained the January 7, 2009 deadline and the consequence of the failure to comply, I shall extend the filing date briefly to provide specific notice.

It is hereby **ORDERED** that if Debtor does not file the contemplated adversary proceeding by **FEBRUARY 20, 2009**, the case will be closed without further notice or hearing.

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DIANE WEISS SIGMUND  
United States Bankruptcy Judge

cc: Timothy McGrath, Clerk